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**BUTTE COUNTY**  
**AIR QUALITY MANAGEMENT DISTRICT**

2525 DOMINIC DRIVE, SUITE J CHICO, CALIFORNIA 95928  
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**TITLE V OPERATING PERMIT**

**ISSUED TO:**

Butte County Department of Public Works  
7 County Center Drive  
Oroville, CA 95965

**PLANT SITE LOCATION:**

Neal Road Sanitary Landfill  
1023 Neal Road  
Paradise, CA 95969

**ISSUED BY:**

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W. James Wagoner, Interim Air Pollution Control Officer

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Date

EFFECTIVE                      November 1, 2001

EXPIRATION                      October 31, 2006

Nature of Business:

Municipal Solid Waste Landfill

APPLICATION COMPLETENESS DATE:

5/23/2001

SIC CODE:

4959

**Responsible Official:**

Name: Mike Crump  
Title: Director, Butte County Department of  
Public Works  
Phone: (530) 538-7681

**Site Contact Person:**

Name: Larry Southard  
Title: Site Manager  
Phone: (530) 345-4917

**TABLE OF CONTENTS**

<b>I. FACILITY EMISSION UNITS AND EQUIPMENT LISTS:</b>	<b>1</b>
A. INSIGNIFICANT EMISSIONS UNITS	1
B. SIGNIFICANT EMISSIONS UNIT INFORMATION	2
C. EMISSION CONTROL EQUIPMENT	3
<b>II. ADMINISTRATIVE REQUIREMENTS AND CONDITIONS</b>	<b>4</b>
A. PERMIT TERM AND RENEWAL	4
B. PERMIT REOPENING AND REVISION	4
C. PAYMENT OF FEES	4
D. RIGHT OF ENTRY	4
E. SEVERABILITY	5
F. COMPLIANCE	5
G. EMERGENCY PROVISIONS	5
H. ACCIDENTAL RELEASES	6
I. PERMIT SHIELD	6
<b>III. TITLE VI PROVISIONS</b>	<b>7</b>
A. STRATOSPHERIC OZONE PROTECTION	7
<b>IV. EMISSION LIMITATIONS AND OPERATING REQUIREMENTS</b>	<b>8</b>
A. GENERAL (APPLICABLE TO ALL EMISSIONS UNITS)	8
B. SUBPART WWW REQUIREMENTS FOR MUNICIPAL SOLID WASTE DISPOSAL MODULES 1-4 (S-1)	11
<b>V. RECORDKEEPING AND REPORTING REQUIREMENTS</b>	<b>14</b>
A. GENERAL REQUIREMENTS FOR MONITORING REPORTS	14
B. NOTIFICATION OF AN EMERGENCY	14
C. ANNUAL COMPLIANCE CERTIFICATION	15
<b>VI. COMPLIANCE</b>	<b>16</b>
A. COMPLIANCE WITH PERMIT REQUIREMENTS	16

**I. FACILITY EMISSION UNITS AND EQUIPMENT LISTS:**

**A. Insignificant Emissions Units**

1. The equipment listed in Table 1 have actual emissions below 4000 pounds per year of criteria pollutants or 1000 pounds per year of hazardous air pollutants and are hereby listed as insignificant emissions units pursuant to Rule 1101, Section 4.3.1.17. The equipment listed in Table 1 may be supplemented, replaced or modified without notice provided the operating status has not changed as defined in current district or federal rules.
2. Insignificant emissions units shall comply at all times with the generally applicable requirements identified in Section III.A of this permit.

**Table 1. Insignificant Emissions Units (partial listing)**

<b>Description</b>	<b>Capacity</b>	<b>Basis</b>
Aboveground Diesel Fuel Storage Tank	8,000 Gallon	Actual emissions are less than 4000 pounds per year (lb/yr) of criteria pollutants and/or 1000 pounds per year of hazardous air pollutants (HAPs)
Aboveground Waste Oil Tank	480 Gallon	Actual emissions are less than 4000 pounds per year (lb/yr) of criteria pollutants and/or 1000 pounds per year of hazardous air pollutants (HAPs)
Low VOC Solvent Degreaser	10 Gallons or Less	Actual emissions are less than 4000 pounds per year (lb/yr) of criteria pollutants and/or 1000 pounds per year of hazardous air pollutants (HAPs)
Morbark 1200 Tubgrinder (or equivalent)		Actual emissions are less than 4000 pounds per year (lb/yr) of criteria pollutants and/or 1000 pounds per year of hazardous air pollutants (HAPs)

**B. Significant Emissions Unit Information**

1. Each of the sources in Table 2 has been issued a Permit to Operate in accordance with District Rule 403 and/or constructed pursuant to issuance of an Authority to Construct Permit in accordance with District Rules 402 and 430.

**Table 2. Significant permitted sources at Neal Road Sanitary Landfill**

Source #	Permit #	Description	Model/Mfg.	Capacity
S-1	NRL-01-01	MSW Module 1	N/A	
S-1	NRL-01-01	MSW Module 2		
S-1	NRL-01-01	MSW Module 3		
S-1	NRL-01-01	MSW Module 4		
S-2	NRL-01-01	Haul Roads		
S-3	NRL-01-01	Household Hazardous Waste Storage Facilities		
S-4	NRL-01-01	Greenwaste Area		
S-5	NRL-01-01	Two (2) Septage Ponds and One (1) Leachate Containment Pond		

**C. Emissions Control Equipment**

1. The permit holder shall install, maintain, and continuously operate the air pollution control equipment and/or work practice requirements listed in Table 3.

**Table 3. Emission Control Equipment List**

<b>S#</b>	<b>Permit #</b>	<b>Unit Description</b>	<b>Control Equipment/ Work Practice Requirements</b>
S-1	NRL-01-01	MSW Modules 1, 2, 3, & 4	Interim cover with plastic tarp or soil; application of water and/or dust surfactant
S-2	NRL-01-01	Haul Roads	Application of water and/or dust surfactant
S-3	NRL-01-01	Household Hazardous Waste Storage Facilities	Material Handling Practices; Storage of Solvents in sealed containers
S-4	NRL-01-01	Greenwaste Storage Area	Application of water and/or dust surfactant
S-5	NRL-01-01	Two (2) Septage Ponds and One (1) Leachate Pond	None

## **II. ADMINISTRATIVE REQUIREMENTS AND CONDITIONS**

### **A. Permit Term and Renewal**

1. This permit to operate shall be valid for a term of five years from the date of issuance. [Rule 1101 §6.2.15., 40 CFR §70.6(a)(2)]
2. The responsible official shall submit a standard District application for renewal of this Title V permit to the permitting authority (APCO), no earlier than eighteen (18) months and no later than six (6) months before the expiration date of the current permit to operate. Permits to operate for all emissions units at a stationary source shall undergo simultaneous review. [Rule 1101 §4.2.2, 40 CFR §70.5(a)(1)(iii)]
3. Provided a complete and timely application has been submitted, this permit shall not expire until the renewal permit has been issued or denied and any permit shield contained herein pursuant to 40 CFR §70.6(f) shall extend beyond the original permit term until the renewal permit has been issued or denied. [40 CFR §70.4(b)(10)]

### **B. Permit Reopening and Revision**

1. For any correction or amendment to this permit, or for any change to the facility or its operation which requires an amendment to this permit, the permittee shall comply with the Administrative Procedures for Sources in accordance with the applicable sections of District Rule 1101.
2. No person shall cause or permit the construction or modification of any new source of air contaminants without first obtaining an Authority to Construct from the Air Pollution Control Officer as to the location and design of such new source to comply with applicable Rules and Regulations and ambient air quality standards of the District. The Air Pollution Control Officer shall not approve such construction or modification unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the new source can be expected to comply with all applicable state laws and District Rules and Regulations [Rule 401].
3. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain written authorization for such construction from the Air Pollution Control Officer. An Authority to Construct shall remain in effect until a permit to operate the equipment for which the application was filed is granted or denied or the application is canceled. [Rule 402]

### **C. Payment of fees**

The permittee shall pay annual fees in accordance with Rule 500 (Stationary Source Permit Fees), Rule 505 (Title V Fees), and Rule 506 (Air Toxic "Hot Spots" Fees). Total fees shall not exceed an overall fee rate of \$25.00 per ton of actual emissions, CPI adjusted to base year 1989 and calculated in accordance with Rule 505, paragraph 3. [Rule 505, 40 CFR §70.9(b)(i)]

### **D. Right of Entry**

1. The APCO, the Executive Officer of the California Air Resources Board, the EPA Regional Administrator and/or their authorized representatives, upon the presentation of credentials, shall be permitted:
  - a. To enter upon the premises where the emission source is located or in which any records are required to be kept under the terms and conditions of this permit; and,
  - b. To have access to and copy any records required to be kept under terms and conditions of this permit; and,

- c. To inspect any equipment, work practices, operations, or emissions related activity at the facility; and,
- d. To obtain samples from the emission source or require samples to be taken. [Rule 1101 §4.10, 40 CFR §70.6(c)(2)]

**E. Severability**

- 1. The provisions of this permit are severable; if any provision of this permit to operate is held invalid, such finding shall not affect the validity or enforcement of the remaining provisions. [NRL-01-01 #10, Rule 1101 §6.2.13, 40 CFR §70.6(a)(5)]

**F. Compliance**

- 1. The permittee shall comply with all provisions of this permit. Non-compliance with the requirements specified in this permit, in whole or in part, constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial for a permit renewal application. [Rule 1101 §6.2.11.1 & .3, 40 CFR §70.6(a)(6)(i)]
- 2. This permit does not convey property rights or exclusive privilege of any sort. [Rule 1101 §6.2.11.2, 40 CFR §70.6(a)(6)(iii)]
- 3. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [Rule 1101 §6.11.4, 40 CFR §70.6(a)(6)(ii)]
- 4. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in Rule 1101 §5.8 and 40 CFR §70.7(f). The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [Rule 1101 §6.11.5, 40 CFR §70.6(a)(6)(iii)]
- 5. The permittee shall furnish, within a reasonable time, any and all information that the APCO or the Regional Administrator may request, in writing, to determine whether or not cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit, or whether or not cause exists for a permit or enforcement action. Upon written request, within a reasonable time period, the permittee shall also furnish to the APCO or Regional Administrator copies of all records required to be kept by this permit or, for information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality. [Rule 1101 §6.11.6, 40 CFR §70.6(a)(6)(v)]

**G. Emergency Provisions**

- 1. *Definition.* An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. [Rule 1101 §2.13, 40 CFR §70.6(g)(1)]
- 2. *Effect of an emergency.* An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the reporting requirements of conditions V.B.1 and V.B.2 of this permit are met. [Rule 275.C, 40 CFR §70.6(g)(2)]
- 3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency; and, [Rule 1101 §6.2.12.2.1 & 2]
  - b. The facility was at the time being properly operated; and, [Rule 1101 §6.2.12.2.3]
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and, [Rule 1101 §6.2.12.2.4]
  - d. The permittee submitted notice of the emergency to the APCO and the Regional Administrator, within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. [Rule 275, Rule 1101 §6.2.12.2.5, 40 CFR §70.6(g)(3)]
4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof for establishing that an emergency occurred. [Rule 1101 §6.2.12.3, 40 CFR §70.6(g)(4)]

**H. Accidental Releases**

1. Should the facility as defined in 40 CFR, §68.3, become subject to Part 68, the permittee shall submit a risk management plan (RMP) by the date specified in 40 CFR §68.10, and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by Rule 1101, Section 6.2.14. [40 CFR, Part 68]

**I. Permit Shield**

1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements, and subsumed requirements incorporated into this permit, as of the date of permit issuance. [40 CFR §70.6(f)]
2. The permit shield provisions shall apply to any permit amendments issued as a final action by the APCO. [(40 CFR §70.7(d)(4)]
3. The permit shield provisions shall apply upon final action taken by the APCO granting a request for an administrative permit amendment. [40 CFR §70.7(d)(4)]
4. The permit shield under §70.6(f) of this part shall not extend to minor permit modifications. [40 CFR §70.7(e)(2)(vi)]



### III. TITLE VI PROVISIONS

#### A. Stratospheric Ozone Protection

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B.
  - a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR §82.156.
  - b. Equipment used during maintenance, service, repair, or disposal of appliances must meet the standards for recycling and recovery equipment in accordance with 40 CFR §82.158
  - c. Persons performing maintenance, service, repair, or disposal of appliances must be a certified technician pursuant to 40 CFR §82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record keeping requirements pursuant to 40 CFR §62.166. ("MVAC-like appliance" as defined in §82.152)
  - e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR §82.156
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR §82.166
2. If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.
3. If the permittee performs a service on motor (fleet) vehicles when the service involves ozone-depleting substance refrigerant (or a regulated substitute substance) in the motor vehicle air conditioner, the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.
4. The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, Significant New Alternatives Policy Program.

#### IV. EMISSION LIMITATIONS AND OPERATING REQUIREMENTS

##### A. Generally Applicable Requirements (Applicable to all emissions units)

Below is a list of generally applicable requirements that apply to all emissions units at the facility. The rules referenced below reflect requirements of Butte County Air Quality Management District Rules and Regulations that have been adopted into the District's State Implementation Plan.

1. **Rule 201 - Nuisance:** No person shall discharge from any non-vehicular source such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. [Rule 201]
2. **Rule 202 - Visible Emissions:** No person shall not discharge into the atmosphere from any single non-vehicular source of emissions whatsoever any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:
  - a) As dark or darker in shade as that designated as No. 2 (or 40% opacity) on the Ringelmann Chart, as published by the United States Bureau of Mines; or
  - b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a). [Rule 202]
3. **Rule 203 - Particulate Matter Concentration:** A person shall not discharge into the atmosphere from any source particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditions.

When the source involves a combustion process, the concentration must be calculated to 12 percent (12%) carbon dioxide (CO<sub>2</sub>). [Rule 203]
4. **Rule 205 - Process Weight Limitation:** A person shall not discharge in any one hour from any source whatsoever dust or condensed fumes in total quantities in excess of amounts shown in the following table titled "Process Weight Limitation Table."

To use the following table, take the process weight per hour as defined in Rule 102 then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. Interpolation of the data in the table for process weights up to 60,000 pounds/hour shall be accomplished by use of the equation  $E = 4.10(P^{0.67})$  and interpolation and extrapolation of the data for process rates in excess of 60,000 pounds/hour shall be accomplished by use of the equation  $E = 55.0 (P^{0.11}) - 40$ . For purposes of these equations, E = the rate of emission in pounds/hour and P = the process weight rate in tons/hour. [Rule 205]

#### PROCESS WEIGHT LIMITATION TABLE

Process Weight Rate		Maximum Discharge Rate	Process Weight Rate		Maximum Discharge Rate
lb/hr	Ton/hr	lb/hr	lb/hr	ton/hr	lb/hr
100	0.05	00.551	14000	7.00	15.5
200	0.10	00.877	16000	8.00	16.5
400	0.20	01.400	18000	9.00	17.9
600	0.30	01.830	20000	10.00	19.2
800	0.40	02.220	30000	15.00	25.2
1000	0.50	02.580	40000	20.00	30.5
1500	0.75	03.380	50000	25.00	35.4
2000	1.00	04.100	60000	30.00	40.0
2500	1.25	04.760	70000	35.00	41.3
3000	1.50	05.380	80000	40.00	42.5
3500	1.75	05.970	90000	45.00	43.6
4000	2.00	06.520	100000	50.00	44.6
5000	2.50	07.580	120000	60.00	46.3
6000	3.00	08.560	140000	70.00	47.8
7000	3.50	09.490	160000	80.00	49.0
8000	4.00	10.400	200000	100.00	51.2
9000	4.50	11.200	1000000	500.00	69.0
10000	5.00	12.000	2000000	1000.00	77.6
12000	6.00	13.600	6000000	3000.00	92.7

5. **Rule 225 - Solvent Storage:** All paints and solvents shall be stored in sealed containers when not in use. Any containers of solvent stored in Butte County which exceed fifty-five (55) gallon capacity shall contain instructions to store in a closed condition. [Rule 225]
6. **Rule 230 - Reduced Sulfur Emission Standards:** It shall be unlawful for any person to cause or permit the emission of air contaminants from any premises which will result in ground-level concentrations of TRS (total reduced sulfur), expressed as hydrogen sulfide, in excess of 0.03 PPM for a period of sixty (60) minutes. [Rule 230]
7. **Rule 231 - Sulfur Oxides Emission Standard:** No person shall discharge into the atmosphere from any single source of emission whatsoever any sulfur oxides in excess of 0.2 percent by volume (2000 PPM) collectively calculated as sulfur dioxide (SO<sub>2</sub>). [Rule 231]
8. **Rule 250 - Circumvention:** No person shall build, erect, install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 41700 of the Health and Safety Code of the State of California or Rule 201, Nuisance, of these Rules and Regulations. [Rule 250]
9. **Rule 260 - Separation of Emissions:** If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant limited by these (BCAQMD) Rules and Regulations shall not exceed the quantity which would be the allowable emission through a single emission point, and the total emitted quantity of any such

air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes, to the satisfaction of the Air Pollution Control Officer, the correct total emitted quantity. [Rule 260]

10. **Rule 261      Combination of Emissions**

- a) If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Air Pollution Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, then all of the applicable prohibitions contained in these Rules and Regulations shall apply to each such source operation separately.
- b) If air contaminants from two or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the provisions of Part A of this section, then all of the applicable prohibitions contained in these Rules and Regulations shall be applied to the combined emission as if it originated in a single source operation. [Rule 261]

11. **Rule 308 – Burning at Disposal Sites:**

- a. General Prohibition Against Burning At Disposal Sites: It is unlawful to burn rubbish or garbage at dumps, refuse disposal areas or at any solid waste dump, whether public or private, or to burn garbage anywhere else in the County of Butte, except under a variance.
  - b. Exemption: The Air Quality Management Board shall permit a city, city and county, or county to use open outdoor fires, for a limited time only, in its operation of a solid waste dump, upon finding that because of sparse population in the geographical area and economic and technical difficulties, the solid waste dump should so be operated. [Rule 308]
12. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. [40 CFR §60.11(d), NSR permits]
13. The permittee shall comply with the requirements of Sections 61.145 through 61.147 of the National Emission Standard for Asbestos for all demolition and renovation projects. [40 CFR Part 60, Subpart M]
14. Operation of this equipment listed on this permit must be conducted in compliance with all data and specifications submitted with all applications under which this permit is issued. [NRL-01-01 #2]
15. The permit holder shall comply with all conditions of this permit and with all applicable federal, state, and District air quality regulations.
16. All transfer processes involving a free-fall of material shall be constructed and operated in such a manner as to minimize the free-fall distance and fugitive emissions. [NRL-01-01 #24]
17. All unpaved roadways and work areas shall have water and/or a dust surfactant applied at a minimum of three (3) times per day, as needed, with additional applications as necessary to minimize fugitive emissions during periods of elevated ambient temperatures, increased wind velocity, or low humidity. [NRL-01-01 #25]
12. Fugitive emissions shall be controlled at all times such that a public nuisance is not created at any point beyond the plant property lines. [NRL-01-01 #26]
- B. Subpart WWW Requirements for Municipal Solid Waste Disposal Modules 1-4 (S-1)**
1. The Non Methane Organic Compound (NMOC) emission rate shall be calculated using the equation in 40 CFR §60.754(a)(1)(i), if the actual year-to-year solid waste acceptance rate is

- known, or the equation in 40 CFR §60.754(a)(1)(ii), if the year-to-year solid waste acceptance rate is unknown. The values for k, Lo, and CNMOC for both equations shall be taken from 40 CFR §60.754(a)(1), as appropriate. Both equations may be used if the actual year-to-year acceptance rate is known for part of the landfill life, but unknown for another part of the landfill life. The mass of nondegradable solid waste may be subtracted from the average annual acceptance rate when calculating R, if documentation of the nature and amount of such wastes is maintained. (Tier 1 specifications) [40 CFR §60.754(a)(1)]
2. If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, then the landfill owner or operator shall either comply with the requirements of this permit to submit a landfill gas collection and control design plan and install the system, or determine a site-specific NMOC concentration and recalculate the NMOC emissions rate using Tier 2 specifications. [40 CFR §60.754(a)(2)(ii)]
  3. Tier 2 specifications to determine the site specific NMOC concentration shall include the following:  
1) For sampling, at least 2 sample probes shall be inserted per hectare of landfill surface that has retained waste for at least 2 years, up to a maximum of 50 required probes. One sample of landfill gas shall be collected from each probe to determine the NMOC concentration, using EPA Method 25C or 18. If EPA Method 18 is used, the minimum list of compounds to be tested shall be those published in the most recent Compilation of AP-42. If composite sampling is used, equal sample volumes are required. All samples taken shall be used in the analysis. The NMOC concentration from Method 25C shall be divided by 6 to convert from C-NMOC, as carbon to hexane. [40 CFR §60.754(a)(3)(i)&(ii)]
  4. Tier 2 specifications to determine the site-specific NMOC concentration shall include the following:  
1) The NMOC mass emissions rate shall be recalculated using the average site-specific concentration instead of the default value, 2) if the resulting calculated mass emissions rate is equal to or greater than 50 megagrams per year, the landfill owner or operator shall either comply with §60.752(b)(2), or determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using Tier 3 specifications. [40 CFR §60.754(a)(3)(i)&(ii)]
  5. If the calculated NMOC mass emissions rate, using the site-specific NMOC concentration constant, is less than 50 megagrams per year, then a periodic estimate of the emission rate report, pursuant to §60.757(b)(1) shall be submitted to the Administrator. The site-specific NMOC concentration shall be retested every 5 years, using Tier 2 specifications. [40 CFR §60.754(a)(3)(iii)]
  6. Tier 3 specifications to determine the site-specific methane generation rate constant shall include the following: 1) EPA Method 2E shall be used, 2) The NMOC mass emission rate shall be recalculated using the average site-specific NMOC concentration and the site-specific methane generations constant K, instead of the default values listed in 40 CFR §60.757(a)(1), and 3) If the resulting calculated NMOC mass emission rate is equal to or greater that 50 megagrams per year, the landfill owner or operator shall comply with §60.752(b)(2). [40 CFR §60.754(a)(4) and (i)]
  7. If Tier 3 specifications are used to determine the site-specific methane generation rate and the calculated NMOC mass emission rate is less than 50 megagrams per year, then a periodic emission rate report shall be submitted to the Administrator, pursuant to §60.757(b)(1) and the NMOC concentration shall be recalculated annually, pursuant to §60.757(b)(1), using the site-specific methane generation rate constant and the NMOC concentration obtained using Tier 2 specifications. Determination of the site-specific methane generation rate constant is performed once and used in all subsequent annual NMOC emission rate calculations. [40 CFR §60.754(a)(4)(ii)]

8. For purposes of compliance with the United States Environmental Protection Agency's (U.S. EPA's) Prevention of Significant Deterioration (PSD) program requirements, the NMOC emission rate shall be estimated and compared to the PSD major source and significance levels in 40 CFR §51.166 or §52.21, using AP-42 or EPA-approved procedures. [40 CFR §60.754(c)]
9. The NMOC emission rate shall be recalculated and reported to the APCO annually, except as otherwise provided in this permit, until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams/year and a collection and control system is installed or until the landfill is closed. [40 CFR §60.752(b)(1), §60.754(a), and §60.757(b)]
10. If the NMOC emission rate, as reported in the annual report, is less than 50 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual reports for those 5 years. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years. All data and calculations upon which this estimate is based shall be provided to the APCO. This estimate shall be revised at least once every 5 years. [40 CFR §60.757(b)(1)(ii)]
11. If the actual waste acceptance rate exceeds the estimated rate used in any year reported in a 5-year estimate of the NMOC emission rate, then a revised 5-year estimate shall be submitted to the APCO. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated acceptance rate. [40 CFR §60.757(b)(1)(ii)]
12. The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions. [40 CFR §60.757(b)(2)]
13. If the owner or operator elects to recalculate the NMOC emission rate using Tier 2 specifications and the resulting NMOC emission rate is less than 50 megagrams/year, annual periodic reporting shall resume. The revised NMOC emission rate report, with the recalculated NMOC emission rate using Tier 2 specifications, shall be submitted within 180 days of the first Tier 1 calculated exceedance of 50 megagrams/year. [40 CFR §60.757(c)(1)]
14. If the owner or operator elects to recalculate the NMOC emission rate using Tier 3 specifications and the resulting NMOC emission rate is less than 50 megagrams/year, annual periodic reporting shall resume. The revised NMOC emission rate report, with the recalculated NMOC emission rate using Tier 3 specifications, shall be submitted within 1 year of the first Tier 1 calculated exceedance of 50 megagrams per year. [40 CFR §60.757(c)(2)]
15. This operating permit may be cancelled with APCO approval when the landfill 1) is closed, pursuant to the requirements of this permit, 2) never needed control, and 3) is not otherwise subject to the requirements of part 40 CFR §70. [40 CFR 40 CFR §60.752(b)]
16. If the landfill is permanently closed, a closure notification shall be submitted to the APCO within 30 days of waste disposal cessation. A permanent closure must take place in accordance with 40 CFR §258.60. If a closure report has been submitted, no additional waste may be placed in the landfill without filing a notification of modification to the APCO, pursuant to 40 CFR §60.7(a)(4). [40 CFR §60.752(b)(1)(ii)(B) and 60.757(d)]
17. If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall submit a collection and control system design plan, pursuant to 40 CFR §60.752(b)(2)(i) and prepared by a professional engineer, to the APCO within 1 year of that determination. [40 CFR § 60.752(b)(2)(i)]
18. If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall install a collection and control system that effectively captures the gas generated within the landfill, within 30 months of that determination. This operating permit must be modified accordingly to show compliance with 40 CFR §60, Subpart WWW requirements applicable to a Municipal Solid Waste Landfill (MSWL) with a collection and control system. [40 CFR §60.752(b)(2)(ii), §60.753, §60.755, and §60.756]

19. If a gas collection and control system is installed, it shall comply with the operational standards of 40 CFR §60.753, the compliance provisions of 40 CFR §60.755, the monitoring provisions of 40 CFR §60.756, the reporting and recordkeeping requirements of 40 CFR §60.757 and §60.758, and the requirements of 40 CFR §60.759 (for active collection systems). [40 CFR §60.752(b)(2)(ii), §60.753, §60.755, §60.756, §60.757, §60.758, and §60.759]

## **V. RECORDKEEPING AND REPORTING REQUIREMENTS**

### **A General Requirements**

1. The permit holder shall maintain In addition to any other recordkeeping, records shall be maintained of all monitoring and support information required by any applicable federal requirement, including:
  - a) Date, place, and time of sampling; and,
  - b) The date(s) analyses were performed; and,
  - c) The company or entity that performed the analyses; and,
  - d) The analytical techniques or methods used; and,
  - e) Operating conditions at the time of sampling; and,
  - f) Results of the analysis. [Rule 1101 §6.2.6.1., 40 CFR 70.6(a)(3)(ii)]
1. Records shall be retained for all required monitoring data and support information for a period of at least five (5) years from the date of sample collection, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. [Rule 1101 §6.2.6.2., 40 CFR 70.6(a)(3)(ii)(B)]
2. The permit holder shall maintain all records necessary to verify compliance with the requirements of 40 CFR 60, Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills. Records shall be kept on-site and up-to-date, and shall be readily accessible. Off-site records may be maintained if they are retrievable within 4 hours. Records to be maintained include, but are not limited to, the following:
  - a. Records of the maximum design capacity, the current amount of solid waste in-place, and the year-by-year waste acceptance rate, in megagrams. Records of the total year-to-year mass of nondegradable solid waste shall also be kept if such waste is subtracted from the average annual acceptance rate when calculating R, including documentation of the nature and amount of such wastes; and, [40 CFR 60.758(a)]
  - b. All calculations of the annual NMOC emission rate from the landfill using any of the methods specified in 40 CFR 60, Subpart WWW, including any calculations used to determine a site-specific NMOC concentration, and the site-specific methane generation constant, as applicable; and,
  - c. Records to verify that the NMOC emission rate was calculated and compared to the PSD major source significance levels in 40 CFR §51.166 or §52.21, using AP-42 or EPA-approved procedures. [40 CFR §60.754(c)]
  - d. All NMOC emission rate reports submitted to the Administrator and/or APCO as required by this permit.
1. In addition to any other reporting requirements contained in this permit the permittee shall comply with all of the following requirements:
  - a. A monitoring report shall be submitted at least every six months and shall identify any deviation from permit requirements, including that previously reported to the APCO; and,
  - b. All reports of a deviation from permit requirements shall include the probable cause of the deviation and any preventative or corrective action taken; and,
  - c. For each emissions unit that is not in compliance with an applicable requirement, a progress report shall be made on a compliance schedule at least semi-annually and shall include: 1) the date when compliance will be achieved, 2) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and 3) a log of any preventative or corrective action taken; and,



- d. Any application form, report, or compliance certification submitted pursuant to this permit shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [Rule 1101 §VI.2.7, 40 CFR §70.5(d)]

**B Notification of an Emergency**

1. Any deviation from permit requirements, including or that attributable to upset conditions or malfunction of continuous monitoring equipment shall be reported to the APCO within 2-hours of the discovery of any emission exceedance or breakdown condition. [NRL-01-01 #18, Rule 275.A, 40 CFR §70.6(a)(3)(iii)(B)]
2. In the event of a breakdown, malfunction, or other emergency the permittee shall submit to the APCO and the Regional Administrator, within two (2) weeks of the emergency event, properly signed, contemporaneous operating logs, or other relevant evidence that demonstrates: [Rule 275, Rule 1101 §6.2.12.2]
  - a. An emergency occurred; and,
  - b. The probable cause(s) of the emergency can be identified; and,
  - c. The facility was being properly operated at the time of the emergency; and,
    - a. All steps were taken to minimize the emissions resulting from the emergency event; and,
    - b. Within two working days of the emergency event, the permittee provided the APCO with a description of the emergency and any mitigating or corrective action taken.

In any enforcement proceeding, the permittee has the burden of proof for establishing that an emergency occurred. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**C. Annual Compliance Certification**

1. The responsible official shall submit a compliance certification to the U.S. EPA Attention Air-3 and the APCO every 12 months unless required more frequently by an applicable requirement. [Rule 1101 §6.2.14.1]
2. The compliance certification shall identify the basis for each permit term or condition (e.g., specify the emissions limitation, standard, or work practice) and a means of monitoring compliance with the term or condition. [Rule 1101 §6.2.14.2]
3. The compliance certification shall include a statement of the compliance status and method(s) used to determine compliance for the current time period and over the entire reporting period. [Rule 1101 §6.2.14.3]
4. The compliance certification shall include any additional inspection, monitoring, or entry requirement that may be promulgated pursuant to Sections 114(a) and 504(b) of the Federal Clean Air Act. [Rule 1101 §6.2.14.4]

## **VI. COMPLIANCE**

### **A. Compliance With Permit Requirements**

1. The permittee shall continue to comply with all permit conditions with which it is in compliance. [Rule 1101 §6.2.11.1, 40 CFR §70.5(c)(A)]
2. The permittee shall comply, on a timely basis, with all applicable federal requirements that will become effective during the term of this permit. [Rule 1101 §6.2.9.2, 40 CFR §70.5(c)(8)(iii)(B) & §70.6(c)(3)]